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3 UNITED STATES DISTRICT COURT  
4 WESTERN DISTRICT OF WASHINGTON  
5 AT TACOMA

6 PERRY ASHELMAN,

7  
8 Petitioner,

9 v.

10 PATRICK R. GLEBE,

11 Respondent.

No. C09-5570 BHS/KLS

ORDER FOR SERVICE AND  
RETURN § 2254 PETITION

12 (1) The Clerk shall arrange for service by certified mail upon Respondent, a copy of  
13 the Petition (Dkts. 5 and 7), of all documents in support thereof, and of this Order. All costs of  
14 service shall be advanced by the United States. The Clerk shall assemble the necessary  
15 documents to effect service. The Clerk shall send Petitioner a copy of this Order, and the  
16 General Order. The Clerk will also send a courtesy copy of the Petition to the Washington State  
17 Attorney General's Office.

18 (2) Within forty-five (45) days after such service, Respondent shall file and serve an  
19 answer in accordance with Rule 5 of the Rules Governing § 2254 Cases in United States District  
20 Courts. As part of such answer, Respondent should state whether Petitioner has exhausted  
21 available state remedies, whether an evidentiary hearing is necessary, and whether there is any  
22 issue of abuse of delay under Rule 9. Respondent shall not file a dispositive motion in place of  
23 an answer without first showing cause as to why an answer is inadequate. Respondent shall file  
24 the answer with the Clerk of Court and serve a copy of the answer upon Petitioner.  
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1 (3) The answer will be treated in accordance with Local Rule CR 7. Accordingly,  
2 upon receipt of the Answer the Clerk will note the matter for consideration on the fourth Friday  
3 after the answer is filed, Petitioner may file and serve a response not later than on the Monday  
4 immediately preceding the Friday appointed for consideration of the matter, and Respondent  
5 may file and serve a reply brief not later than the Friday designated for consideration of the  
6 matter.  
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8 (4) Petitioner's motion to amend his petition to name the correct respondent (Dkt. 7)  
9 is **GRANTED**.

10 DATED this 23rd day of November, 2009.

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13 Karen L. Strombom  
14 United States Magistrate Judge  
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